

BILL NO. S-73-10-05

SPECIAL ORDINANCE NO. 8-106-73

AN ORDINANCE approving a certain bid document with C.M. HOBBS & SONS, INC. for the purchase of street trees.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 542

dated September 20, 1973, between the City of Fort Wayne, by
and through its Mayor and the Park Department and C. M. HOBBS
& SONS, INC. for:

3,475 trees \$21,265.00

as more specifically set forth in said bid document Ref. No. 542 and Purchase Order No. 3-19261 which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

John Buckley
Councilman

APPROVED AS TO FORM
AND LEGALITY, *[Signature]*

David B. Le
CITI ATTORNEY

Read the first time in full and on motion by Henga, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Jenner (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 10-9-73

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Henga, seconded by Talarico, and duly adopted, placed on its passage. Passed (last) by the following vote:

AYES 9, NAYS _____, ABSTAINED _____, ABSENT _____ to-wit:

BURNS	<u>/</u>	_____	_____	_____
HINGA	<u>/</u>	_____	_____	_____
KRAUS	<u>/</u>	_____	_____	_____
MOSES	<u>/</u>	_____	_____	_____
NUCKOLS	<u>/</u>	_____	_____	_____
SCHMIDT, D.	<u>/</u>	_____	_____	_____
SCHMIDT, V.	<u>/</u>	_____	_____	_____
STIER	<u>/</u>	_____	_____	_____
TALARICO	<u>/</u>	_____	_____	_____

DATE: 10-9-73

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 1-106-73 on the 9th day of October, 1973.

Charles W. Westerman
CITY CLERK

ATTEST: (SEAL)

W. Randolph C. Morris Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of October, 1973, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 12th day of October, 19773, at the hour of 11:05 o'clock A. M., E.S.T.

James H. Roddy
MAYOR

SUSPENSION OF RULES

BILL NO. J-73-10-05

Councilman Hinga, moved to suspend the rules on passage of BILL NO. J-73-10-05, at this meeting of October 9, 1973, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Talarico, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and J-106-73 Special ORDINANCE was accordingly placed on its passage.

DATE: 10-9-73

Winfield C. May Jr.

PRESIDING OFFICER

Shelby M. Kistner

CITY CLERK

	<u>9</u> AYES	<u>0</u> NAYS	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>BURNS</u>	✓	—	—	—	—
<u>HINGA</u>	✓	—	—	—	—
<u>KRAUS</u>	✓	—	—	—	—
<u>NUCKOLS</u>	✓	—	—	—	—
<u>MOSES</u>	✓	—	—	—	—
<u>D. SCHMIDT</u>	✓	—	—	—	—
<u>V. SCHMIDT</u>	✓	—	—	—	—
<u>STIER</u>	✓	—	—	—	—
<u>TALARICO</u>	✓	—	—	—	—

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as Special Ordinance No. J-106-73

ATTEST: (SEAL)

DATE: 10/9/73

Shelby M. Kistner

CITY CLERK

Bill No. J-73-10-05

REPORT OF THE COMMITTEE ON Finance

We, your Committee on Finance to whom was referred an Ordinance
approving a certain bid document with C. M. HOBBS & SONS, INC.
for the purchase of street trees

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

William T. Hinga - Chairman

Samuel J. Tolanico

John Nuckols - Vice-Chairman

James S. Stier

Paul M. Burns

William T. Hinga

John S. Tolanico

John Nuckols

James S. Stier

Paul M. Burns

CONCURRED IN

DATE 10-9-73 CHARLES W. WESTERMAN, CITY CLERK

DEPARTMENT OF PURCHASES

Number One Main St., Ft. Wayne, Ind. 46802

INVITATION

Quotations, subject to the conditions on the reverse hereof, are requested on the following list of materials, supplies, equipment or services, for the department as mentioned, with delivery to destination as shown below. Quotations shall include all charges for delivery, packing, etc. Address your reply as indicated below.

(Telephone 423-7037)

*Send all replies and correspondence, etc. to Attn. of A. T. Demetraff DEPARTMENT OF PURCHASES

470 Room 224, Number One Main St., Ft. Wayne, Ind. 46802

REQUIRED FOR DELIVERY TO:

Department or Division Board of Park Commissioners
Address 8th Flr., City-County Bldg.
One Main St., Ft. Wayne, Ind. 46802

RETURN ORIGINAL TO THE CITY—RETAIN DUPLICATE COPY FOR YOUR FILE

Closing Thursday, September 20, 1973 at 10:00 A.M.

Time of Bids

TAXES: THE CITY IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS NO. 34584. PRICES SHOULD NOT INCLUDE THESE TAXES. See "Instructions to Bidders" No. 10 on reverse hereof for details.

TAX EXEMPT (Unless otherwise indicated)

Quantity	Unit	Materials, Supplies, Equipment or Services	Unit Price	Total Amount
		Street Trees, as per specifications enclosed.		

Bid Bond required NO YES 5% of Bid Performance Bond NO YES
See instruction item No. 10 on reverse side hereof.

Terms Net % cash discount if paid within days from delivery and acceptance of goods or completion of services.

PROPOSAL OR BID

In compliance with the above invitation for bids and subject to all conditions thereof, the undersigned offers and agrees, if this bid be accepted within a reasonable time from date of closing, to furnish any or all of the items or render such services upon which prices are quoted, in accordance with the specifications applying and at the prices set opposite each item. Weather permitting between Oct. 15 and Dec. 15, 1973.

Delivery of any or all of the items or completion of services indicated shall be made within days from receipt of order.

IMPORTANT As delivery may be a deciding factor in the award of an order, it is important that bidders furnish the information requested above.

Signature

C. H. Hobbs & Sons, Inc.

Name of Company

Per: C. H. Hobbs Title: Vice PresidentAddress: 9700 West Washington Street

Indianapolis, Indiana

G-15-73

GENERAL CONDITIONS, INSTRUCTIONS TO BIDDERS AND INFORMATION FOR BIDDEES

1. **Special Conditions:** Special conditions included in the Bid Document shall take precedence over any provisions stipulated hereunder.
2. **Applicable Laws:** The Revised statutes of the State of Indiana, and all City ordinances insofar as they apply to the laws of competitive bidding, contracts, and purchases, are made a part hereof.
3. **Workmen's Compensation:** Insofar as Workmen's Compensation Act is concerned, the bidder or contractor agrees to furnish an official, certificate from the Industrial Board of Indiana, showing that he is in compliance with such law, whenever such certificates are required in the Bid Document.
4. **Indemnifications and Exonerations:** The bidder, if awarded an order or contract, agrees to protect, defend, and save the City harmless against any demand for payment for the use of any patented material, process, article, or device that may enter into the manufacture, construction, or form a part of the work covered by either order or contract and he further agrees to indemnify and save the City harmless from suits or actions of every nature and description brought against him, for or on account of any injuries or damages received or sustained by a party or parties, by or from any of the acts of the contractor, his servants, or agents.
- To the extent the bidder or contractor agrees to furnish adequate Public Liability and Property Damage Insurance, the amount of which will be determined by the City whenever such insurance is deemed necessary. When so required the types and amounts of insurance to be provided is set forth in the Bid Document.
5. **Pricing:** Prices should be stated in units of quantity specified in the Bid Document. In case of discrepancy in computing the amount of the bid the unit prices quoted will govern.
6. **Delivery:** Quotations should include all charges for delivery, packing, crating, containers, etc. Unless otherwise stated by the bidder prices quoted will be considered as being based on delivery to the destination designated in the Bid Document and to include all delivery and packing charges.
7. **Specifications:** Unless otherwise stated by the bidder the proposal will be considered as being in strict accordance with the specifications contained in the Bid Document.
- References to a particular trade name, manufacturer's catalog or model number are made for descriptive purposes to guide the bidder in interpreting the requirements of the City. They should not be construed as excluding proposals on other types of materials, equipment and supplies. However the bidder, if awarded a contract, will be required to furnish the particular item referred to in the specifications or description unless a departure or substitution is clearly noted and described in the proposal.
8. **Samples:** Samples, when requested, must be furnished free of expense to the City and if not destroyed, will upon request be returned at the bidder's expense.
9. **Cash Discounts:** Time in connection with cash discount offered, will be computed from date of delivery and acceptance at final destination or from date properly executed claim voucher is received, if the latter date is later than the date of delivery and acceptance.
10. **Taxes:** The City is generally exempt from Federal Excise and Indiana State Sales Tax. Quotations must be separated to show the amount to be added for taxes of any kind if applicable. Prices should not include tax. The City will pay such taxes as are applicable to this purchase. Exemption forms will be furnished wherever necessary. Taxes whatever indicated and which are applicable to this purchase, will not be subject to any trade or cash discounts.
11. **Bid Informalities and Rejection:** The City reserves the right to waive informalities not inconsistent with law or to reject any or all bids.
12. **Awards:** Unless otherwise specified in the Bid Document the City reserves the right to accept any item in the bid. Unless otherwise stated in the Bid Document bidders may submit proposals on any item or group of items, provided however that the unit prices are shown as requested.
13. **Payments:** Partial payments may be made upon presentation of properly executed claim voucher unless otherwise stated in the Bid Document. The final payment will be made by the City when the materials, supplies or equipment has been fully delivered and accepted or the work completed to the full satisfaction of the City.
14. **Bidders' Signatures:** Each proposal form must be signed by the bidder with his usual signature. All signatures should be in full. Bids by partnership should include the names of the partners composing the partnership and must be signed by one or more of the partners in the following manner: "John Jones and James Smith, d.b.a., Smith-Jones Company, by John Jones, a partner".
- Bids by corporations must be signed with the names of the corporation, followed by the signature and designation of the president, vice-president, or person authorized to bind it in the matter.
15. **The successful Bidder,** or contractor, agrees that he will comply with Indiana Acts 1961, chapter 208, section 10, being Burns Indiana Statute 45-2318-1934 supplement requiring such bidder, contractor, or his subcontractor not to discriminate with respect to hiring, tenure, terms, conditions, or privileges of employment because of race, color, religion, national origin or ancestry.
16. **Unless otherwise specifically indicated under the individual listing in the legal advertisement or invitation to bid, all bids shall be subject to the following:**
 - A Bid bond, deposit of cash, certified check or Bank Cashiers Check, in the amount specified, drawn on a solvent bank payable to the City of Fort Wayne or to the contracting division thereof.
 - The successful bidder will be required to furnish a bond or Certified Check on a solvent bank, payable to the City of Fort Wayne or to the contracting division thereof, in the amount specified in the notice of bids wanted or the invitation to bid, as a guarantee for the faithful performance thereof.
17. **Submission and Receipts of Bids:**
 - Proposals, to receive consideration, must be received prior to the specified time of closing as designated in the invitation.
 - Bidders must use the Bid Document proposal form furnished by the City as none other will be accepted. Proposal forms must be returned intact. Removal of any part thereof may invalidate the bid.
 - Bidders are requested to use the Bid Envelope if furnished by the City, or other similarly identified envelope to assure proper handling. Envelopes should be sealed when submitted with information on the face of the Bid Envelope to identify the bid, e.g., Bid Reference number and date of closing and City Agency involved.
 - Separate proposals must be submitted on each reference number.
 - Proposals having any omissions or corrections thereon may be rejected unless explained or noted over the signature of the bidder.

Accepted	Entered Government Dept. of Purchasing, etc.	Date	10	as follows:
Delivered			10	as follows:

SPECIFICATIONS FOR STREET TREES

1. Scope

Furnish Bare Root trees to be delivered to Lawton Park for fall 1973 planting.

2. Agency Standards

Nomenclature: All plant materials used shall to be true to name and size in conformity with the following standards:

- a. American Joint Committee on Horticulture Nomenclature. 1942 Edition of Standardized Plant Names (Published by Mount Pleasant Press, J. Horance McFarland Company, Harrisburg, Pa.)
- b. U.S.A. Standard for Nursery Stock. Copyright 1969 (Published by the American Association of Nurserymen, Inc., 835 Southern Building, Washington, D.C. 20005).

3. Plant Materials

- a. Plant List: The complete list of plants, including a schedule of quantities is included in Bid Proposal Form.
- b. Substitutions: Substitutions of varieties and amounts may be submitted for consideration. Substitute of sizes will not be accepted.
- c. Quality: All plants shall be 6-10 feet in size suitable for planting as street trees and are to be typical of their species or variety. All plants shall have normal, well, developed branches and vigorous root system. They shall be sound, healthy, vigorous, free from defects, disfiguring knots, abrasions of the bark, sunscale injuries, plant diseases, insect eggs, borers, and all other forms of infections. Height of branching should bear a relationship to the size and kind of tree also so that the crown of the tree will be in good balance with the trunk as the tree grows.

All trees shall have a heavy fibrous root system which has been developed by proper cultural treatment, transplanting, root pruning, etc. Approved minimum root spread of 20 inches is required. All plants shall be nursery-grown unless otherwise stated, and shall have been growing under the same climatic conditions as the location of this project for at least two (2) years prior to date of planting on this project. Plants which have been held in storage will be rejected if they show signs of growth during storage. Collected plants shall be taken from a subgrade favorable to good root development. All collected material shall be clean, sound stock and shall be free from decaying stumps.

- d. Measurements: Size and grading standards shall conform to those of the American Association of Nurserymen unless otherwise specified. A plant shall be dimensioned as it stands in its natural position. Stock furnished shall be a fair average between the minimum and maximum sizes specified.
- e. Preparation of Plants: In preparing plants for moving, all precautions customary in good trade practice shall be taken. Workmanship that fails to meet the highest standards will not be accepted. All plants shall be dug to retain as many fibrous roots as possible. All plants shall be dug immediately before moving unless otherwise specified.
- f. Inspection: All plants shall be subject to inspection in the nursery or collecting grounds before any plants are dug. The City Arborist or his representative shall be the sole judge of the quality and acceptability of the materials. The cost of such inspection shall be included in the bid price.
- g. Delivery: All plants shall be packed, transported and handled with utmost care to insure adequate protection against injury. Each shipment shall be certified by State and Federal Authorities to be free from disease and infestation. Any inspection certificates required by law to this effect shall accompany each shipment invoice or order of stock, and, on arrival, the trees will be inspected by the City Arborist; and if not acceptable will be returned at no cost to the City of Fort Wayne. Tree prices to include delivery to Lawton Park, Fort Wayne, Indiana according to intervals specified by City Arborists for fall 1973 planting.

To: Board of Park Commissioners
City County Building
One Main Street
Fort Wayne, Indiana 46802

Project: Street Trees

We hereby propose to supply the following 8 - 10 foot size trees for amounts as shown in accordance with bid specifications.

If additional or deductible amounts of trees are required, the undersigned agrees to accept the following unit prices for each addition or deduction.

	Number of Trees	Alternate Number	Variety	Total Cost	Unit Cost (for each tree)	Add. or deduction
Base Bid 1 - 600			Green Ash (Fraxinus Lanceolata)	\$ 2970.00	\$ <u>49.50</u>	\$ <u>Same</u>
Base Bid 2 - 200	100	6/8	Littleleaf Linden (Tilia Cordata)	\$ 775.00	\$ <u>17.75</u>	\$ <u>Same</u>
Base Bid 3 - 300			Redmond Linden (Tilia Redmond)	\$ 2625.00	\$ <u>87.50</u>	\$ <u>Same</u>
Base Bid 4 - 100			Imperial Locust (Gleditsia T.i. Imperial)	\$ 755.00	\$ <u>7.45</u>	\$ <u>Same</u>
Base Bid 5 - 275			Shademaster Locust (Gleditsia T.i. Shademaster)	\$ 2049.75	\$ <u>7.45</u>	\$ <u>Same</u>
Base Bid 6 - 1100			Norway Maple (Acer Plantanoides)	\$ 435.00	\$ <u>3.95</u>	\$ <u>Same</u>
Base Bid 7 - 350			Red Maple (Acer Rubrum)	\$ 2782.50	\$ <u>7.75</u>	\$ <u>Same</u>
Base Bid 8 - 150			(Sub Sycamore (P. Occidentalis) London Planetree)	\$ 787.50	\$ <u>5.25</u>	\$ <u>Same</u>
Base Bid 9 - 150			(Platanus Acerifolia)	\$ 787.50	\$ <u>5.25</u>	\$ <u>Same</u>
Base Bid 10 - 250			White Ash (Fraxinus Americana)	\$ 752.50	\$ <u>34.95</u>	\$ <u>Same</u>
Base Bid 11 - 350			Summit Ash (Fraxinus L. Summit)	\$ 1425.00	\$ <u>40.70</u>	\$ <u>Same</u>
			Sugar Maple (Acer Saccharum)	\$ 2012.50	\$ <u>57.75</u>	\$ <u>Same</u>

The Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the scheduled closing time for receiving bids.

Deduct 15% per tree if City of Fort Wayne picks up the trees.

C. M. HODGES & SONS, INC.
Official name of organization

2300 West Washington Street
Indianapolis, Indiana 46221
Business address

Robert W. Hobbs
Signature

Vice President
Title

September 13, 1973
Date

Reference No. 542NON-COLLUSION AFFIDAVITSTATE OF INDIANA, { SS:
Hendricks COUNTY }

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting, nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale or contract.

Robert M. HobbsRobert M. Hobbs, Vice President
Bidder or AgentFor C. M. Hobbs & Sons, Inc.
Firm or CorporationSubscribed and sworn to before me this 13 day of September, 1973

My Commission Expires

25 November 1973Jorma Lee Coffey Hobbs

REQUEST FOR PUBLICATION

News	
Sentinel	<input checked="" type="checkbox"/>
Journal	
Gazette	<input checked="" type="checkbox"/>
Other	

DATE September 7, 1973

Kindly publish the following
advertisement on the dates as
shown and issue invoice to *

* Department Board of Park Commissioners
Address 8th Flr., City-County Bldg.
One Main St., Ft. Wayne, Ind. 46802

Department of Purchases
City of Fort Wayne

By A.T. Demetroff

BIDS WANTED - REFERENCE NO. 542

Sealed Proposals will be received by the City of Fort Wayne at the
Office of Department of Purchases, Number One Main Street, Room
470, Fort Wayne, Indiana, until 10:00 A.M., Thursday, September 20, 1973
for the following items:

Street Trees

Bid Forms, specifications, etc., may be obtained upon application at
the office and address given above.

A Bid Bond or Certified Check in the amount of \$ 5% of Bid
must be submitted with the bid.

Department of Purchases
City of Fort Wayne
By A.T. Demetroff
Director of Purchases

INSERT 1st RUN REPEAT 2nd RUN Type of Advertising Required

September 10, 1973

September 17, 1973

LEGAL NOTICE

PROPOSAL AND BID SURETY FORM

PROPOSAL:

In compliance with the foregoing invitation to bid and subject to all of the conditions thereof the undersigned offers and agrees, if this bid is accepted within a reasonable time from date of opening of bids, to enter into a contract in accordance with the prices stated herein.

The Legal Advertisement, General Conditions, Instructions to Bidders, Information for Bidders, Special Conditions, Specifications, and Plans applying form a part of this proposal.

This proposal is supported by the following bid surety as required by law and signatures affixed thereto constitute both a proposal and bid surety executed by the bidder.

BID SURETY (REQUIRED BY LAW):

BOND FORM: (USE THIS BOND FORM—NO ALTERNATE FORM OF BOND WILL BE CONSIDERED).

KNOW ALL MEN BY THESE PRESENTS, THAT we, the undersigned, are held and firmly bound unto the City of Fort Wayne, State of Indiana, in the sum of.....

.....Dollars, to be paid on demand to said City of Fort Wayne, its successors and assigns for which payment well and truly to be made, we hereby bind ourselves, our heirs, successors, executors, and administrators, jointly and severally firmly by these presents.

The condition of this obligation is such that if the bid or proposal attached hereto and made a part hereof and submitted to the within named division of the City of Fort Wayne or its duly constituted agent, is accepted and a contract awarded to the undersigned bidder and the said bidder shall within ten (10) days after notice of said award enter into a contract with the said City of Fort Wayne, State of Indiana, and shall secure the performance of the same by bond or otherwise as may be required to the satisfaction of the City of Fort Wayne, Indiana then this obligation shall be null and void; otherwise to be in full force and effect.

If no corporate surety is furnished, it is necessary that a certificate authorizing the "attorney-in-fact" to sign the bond accompanying the same.

BID CHECK (ALTERNATE FORM OF SURETY):
Certified Check No. in the sum of .000 Thousand One hundred and Sixty seven dollars and forty four cents (J1167.44)Dollars

on First National Bank & Trust Company Bank
of Plainfield, Indiana

is herewith submitted and deposited in lieu of bond under the same terms and conditions as set forth in the above bond.

Note: If Check is used as Bid Surety—Attach here.

SIGNATURES (BID SURETY AND PROPOSAL):

Witnessed by:

BIDDER
AND
PRINCIPAL

OTHER PARTIES INTERESTED IN
THIS PROPOSAL

(See 14—Signatures under General Conditions, etc.)

List all Parties if Partnership

Robert M. Hobbs
Name of Bidder—Print or Type

By
Signature of Person Authorized to Sign

Title Vice President

9300 West Washington Street
Street Name and Number

Indianapolis, Indiana 46231
City, State and Zip Code

Date September 13, 1973

Witnessed by:

SURETY

Name of Company — Print or Type

Incorporated
In the State of:

Address:

By
Sign on this Line

Aam. Appr. ✓

DIGEST SHEET

S-73-10-05

TITLE OF ORDINANCE _____

DEPARTMENT REQUESTING ORDINANCE Park Department

SYNOPSIS OF ORDINANCE An ordinance approving a certain bid document with C. M. Hobbs and Sons, Inc. for furnishing 3,475 trees, varieties as specified. This bid was the lowest and best of those received meeting specifications.

EFFECT OF PASSAGE Beautifys City streets by providing trees
for decoration and shade.

EFFECT OF NON-PASSAGE Trees have been removed from city streets
faster than they have been replaced. Special tree planting program
would be slowed down.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \$21,265.00

ASSIGNED TO COMMITTEE (J. N.) *F.D.R.*